# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/650,299 | 08/27/2003 | Robert C. Hansen | POU920030123US1 | 6669 |

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| 46429          7590          06/23/2009 | EXAMINER | |
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| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 06/23/2009 | ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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| | Application No. | Applicant(s) |
| --- | --- | --- |
| **Office Action Summary** | 10/650,299 | HANSEN ET AL. |
| | Examiner | Art Unit |
| | KEVIN BATES | 2456 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>05 June 2009</u>.

2a)☒ This action is **FINAL**.                2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1,4-7,10-13 and 16-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,4-7,10-13 and 16-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

### *Response to Amendment*

This Office Action is in response to a communication received on June 5, 2009.

Claims 2-3, 8-9, and 14-15 have been cancelled.

Claims 19-24 are newly added.

Claims 1, 4-7, 10-13, and 16-24 are currently pending in this application.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 19-21 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 19-21 contain the limitation that each OGSI maintains its own address space, while in ¶13 the specification only indicates that applications do not share address space. The specification does not reasonably convey that "facilitating a form of application independence" stands for the proposition that each OGSI instance "maintains" its own address space.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claims 1, 7, and 13 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention. The claims contain two different steps

occurring when the same limitation is met, (1) reconfiguring the container and (2)

generating an error message. The specification of this application teaches that the error

message is generated when the reconfiguration of the container is not possible. It is

unclear from the claims in light of the specification if the if both the reconfiguring and

error message occurs, if one happens or the other, or if the error message is generated

after the reconfiguring occurs.


## *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

**Claims 1, 7, and 13 are rejected under 35 U.S.C. 103(a) as being**

**unpatentable over Radhakrishnan (7284054) in view of OGSI (an article entitled**

**"Open Grid Services Infrastructure (OGSI)"- Version 1.0) dated June 27, 2003.**

**Regarding claims 1, 7, and 13**, Radhakrishnan teaches a method for managing

open grid service architecture (OGSA) services comprising:

establishing an instance including an container (Col 13, line 54 – Col. 14, line

30);

establishing an service and an service descriptor (Col. 13, lines 54 – 58)

including an container attribute needed for said service (Col. 16, lines 31 - 43);

deploying said service to said instance (Col 16, lines 38 – 43);

comparing said container attribute to a characteristic of said container;

supporting said service on said container when said attribute matches said

characteristic;

reconfiguring said container when said attribute does not match said

characteristic to support said service;

generating an error message when said attribute does not match said

characteristic (Col. 17, line 61 – Col. 18, line 26; where container rules are the container

characteristics.  The container rules are compared with the service attributes and

services statistics to determine whether the service operating according to the rules  If

the rules are being violated (or triggered) the CAE then performs reconfiguration of the

infrastructure including which containers and services are running on what servers.  The

event messages (error messages) are triggered when a rule is being violated.  See Col.

17, lines 30 – 52).

Radhakrishnan does not explicitly indicate that the services and instances are

OGSA/OGSI services.

OGSI teaches that OGSI, Grid services are an extension of web services.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use OGSI's teaching of Grid services in Radhakrishnan's teaching to provide the benefits of Grid services (enchanced services for distributed applications) while maintaining the configurability and structured rules of Radhakrishnan.

**Regarding claims 19-22**, Radhakrishnan teaches the method of claims 1, 7, and 23.

Radhakrishnan does not explicitly indicate that said OGSA comprises a plurality of OGSI instances; and each of the plurality of OGSI instances maintains its own address space.

OGSI teaches that within the OGSA system, said OGSA comprises a plurality of OGSI instances; and each of the plurality of OGSI instances maintains its own address space (Pg 30-31, sections 7.5 and 7.5.1 where each OGSI instance is separately addressable through a unique reference).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use OGSI's teaching of Grid services in Radhakrishnan's teaching to provide the benefits of Grid services (enchanced services for distributed applications) while maintaining the configurability and structured rules of Radhakrishnan.

**Claims 4, 5, 10, 11, 16 and 17 are rejected under 35 U.S.C. 103(a) as**

**being unpatentable over Radhakrishnan in view of OGSI, and further in view of
Java (Article entitled "Java Programmer's Guide").**

**Regarding claims 4, 10, and 16,** Radhakrishnan does not explicitly teach the
claimed feature of "providing a user interface for managing OGSI instances, said user
interface providing a tool for creating an OGSI instance for supporting OGSA services".

However, Java teaches some additional APIs and features provided by a
framework for more advanced service developers (see the introduction of Java together
with Part I1: Additional APIs). Specifically, Java discloses a GUI framework (see Java,
Page 6, section 3.1 GUI client), wherein a test method of GUI client including "create an
instance in the Factory panel" is provided (see Java, Page 6, step 3 to test your GUI
client).

Thus, it would have been obvious to one of ordinary skill in the art at the time the
invention was made to further combine the teachings of Java's with the cited references
because teaching Java's would have allowed Radhakrishnan to provide some additional
APIs and features for the more advanced service developers.

**Regarding claims 5, 11, and 17,** Radhakrishnan does not explicitly teach the
claimed feature of "said creating said OGSI instance includes identifying a port of a grid
resource to support said OGSI instance".

However, Java discloses that a service container API is provided to start
embedded local hosting environments listening on particular ports (see Java, Page 14,
section 10: Service Container). Additionally, Java further teaches that the

NotificationSinkMan API (see Page 10, section 5 Notifications) makes use of this API to multiplex all sin URLs exposed over a single port( per transport).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further combine the teachings of Java's with the cited references because teaching Java's would have allowed OGSI's and Brown's to provide some additional APIs and features for the more advanced service developers.

**Claims 6, 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over over Radhakrishnan in view of OGSI, and further in view of Wilding-McBride (Book entitled "Java Development on PDAs: Building Applications for PocketPC and Palm Devices).**

Regarding to claims 6, 12, and 18, Radhakrishnan does not explicitly teach the claimed feature of "providing a user interface for said deploying said OGSA service, said user interface including a toolfor undeploying said OGSA service".

Wilding-McBride, however, teaches "To undeploy the web service, we again use the Axis administration client. The Ant build file defines a target to undeploy the image service, called UndeployImageService" (see Wilding- McBride, Page 15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to further combine the teachings of Wilding- McBride with the cited references because teaching Wilding-Mcbride's would have allowed OGSI's and Brown's to provide a method and a system to remove an existing web service to allow for new updates and newer services to appear on a host (see also Page 15).

**Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over over Radhakrishnan in view of OGSI, and further in view of Upton (750184).**

**Regarding claims 19-22**, Radhakrishnan teaches the method of claims 1, 7, and 23.

Radhakrishnan does not explicitly indicate that establishing of said OGSI instance is facilitated by a wizard.

Upton teaches a system for generating services and instances of services using a wizard (Col. 3, lines 44 – 58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a system such as a wizard to create and deploy OGSI instances for client to allow a high level, easy to use, API program to allow the client to create new instances without a great understanding of the underlying programming involved.

## *Response to Arguments*

The applicant filed arguments in response to the Non-Final on November 10, 2008. Those arguments are not persuasive.

Regarding the 35 U.S.C. 112, second paragraph rejection, the applicant correctly points out that the rejection was meant to cover claims 1, 7, and 13. The applicant argues that the amended claims overcome the rejection, but the claims filed June 5, 2009 do not include the "amendments" that the response to arguments implies. As

result the applicant is arguing limitations that are not presenting in the claims, thus the

arguments are not persuasive.

Regarding claims 1, 7, and 13, the applicant argues that the Radhakrishnan does

not disclose reconfiguring the container to support the OGSA service.  The examiner

disagrees; Radharishnan teaches many forms of updating and reconfiguring the

deployed system during operations, more specifically the container rules themselves.

*See* Col. 18, line 42 – Col. 19, line 7.

Regarding claims 1, 7, and 13, the applicant further argues that Radhakrishnan

does not disclose reconfiguring the contain when the container does not match said

characteristic to support the OGSA service.  The examiner disagrees; Radhakrishnan

teaches a system for providing services which operate on containers (Col. 6, lines 52 –

67).  As part of that system, Radhakrishnan teaches the ability to dynamically adjust

container parameters, container rules, container locations, and other operations of the

container when the service which is operating needs to be adjusted (Col. 7, lines 36 –

49; Col. 9, lines 53 – 62).  This type of container "aligning" falls under the definition of

reconfiguring a container, when the container does not support a need or characteristic

of a service.

Regarding claims 1, 7, and 13, the applicant argues that Radhakrishnan does not

teach "generating an error message when said reconfiguring said OSGA container is

not possible."  It is important to note that the Examiner has never made this assertion,

nor mapped this limitation because the limitation was never present in the claim.

Furthermore, this claim limitation is still not part of the claim, so this argument does not

need to be addressed. In future responses please do not confuse the record by attempting to provide new claim limitations and arguing that the examiner has failed to properly address those newly added limitations.

Regarding claims 5, 11, and 17, the applicant argues that Java does not teach creating said OGSI instance includes identifying a port of a grid resource to support said OGSI instance, because it teaches opening up service ports, not a client side activity to connect a server. The examiner disagrees; while it is unclear what the applicant is asserting the claim language to be, looking at the actual claim limitation, the claim only requires the teaching that part of creating an OGSI instance includes identifying a port on a grid resource (like a server) to support the created instance. The applicant asserts that the Java teaches opening up a port on the server to support the service container (see remarks, pg 9) which appears to be what the limitation of the claim requires.

## *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action.  In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to KEVIN BATES whose telephone number is (571) 272-

3980.  The examiner can normally be reached on 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913.  The fax

phone number for the organization where this application or proceeding is assigned is

571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system.  Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin  Bates/
Primary Examiner, Art Unit 2456